

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (SN)  
ECF Case

This document relates to:

*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN)

*Bauer et al. v. al Qaeda Islamic Army, et al.*, 02-cv-7236 (GBD)(SN)

**[Proposed] Final Judgment on Behalf of the  
Bauer II Plaintiffs Against Defendant *The Taliban***

Upon consideration of the evidence and arguments submitted by certain plaintiffs in *Ashton v. Al Qaeda Islamic Army et al.*, 02-cv-6977 (S.D.N.Y.)(GBD)(SN), and *Bauer, et al. v. Al Qaeda Islamic Army et al.*, 02-cv-7236 (S.D.N.Y.)(GBD)(SN), on behalf of those *Bauer II* Plaintiffs identified in Exhibits B, C, and D to this Judgment, who are each the estate of a victim killed in the September 11, 2001 Terror Attacks (Exhibit B) (the “*Bauer II* 9/11 Decedents”); immediate family members of the *Bauer II* 9/11 Decedents who are also the personal representatives of the estates of the *Bauer II* 9/11 Decedents (Exhibit C), and other immediate family members of the *Bauer II* 9/11 Decedents (Exhibit D), all of whose claims were added to the *Ashton* 6<sup>th</sup> Amended Complaint (ECF 1463), which forms the basis of the default judgment against defendant the *Taliban*, by this Court’s Order on November 7, 2022, ECF 8721; and in light of the Judgment by Default for liability against the *Taliban* entered May 12, 2006 (ECF 1797), together with the entire record in this case, it is hereby:

**ORDERED** that each estate of the *Bauer II* 9/11 Decedents listed in Exhibit B is awarded damages for conscious pain and suffering against the *Taliban* in the amount of \$2,000,000 per decedent;

**ORDERED** that each estate of the *Bauer II* 9/11 Decedents listed in Exhibit B is awarded damages for economic loss against the *Taliban* in the amounts set forth therein;

**ORDERED** that each immediate family member of the *Bauer II* 9/11 Decedents listed in Exhibit C, who are also the personal representative of the Decedent's estate, is awarded solatium damages against the *Taliban* in the amounts set forth therein;

**ORDERED** that each immediate family member of the *Bauer II* 9/11 Decedents listed in Exhibit D is awarded solatium damages against the *Taliban* in the amounts set forth therein;

**ORDERED** that each individual listed in Exhibits B, C and D who asserted claims under the Anti-Terrorism Act (18 U.S.C. 2333), is awarded treble damages;

**ORDERED** that the *Bauer II* Plaintiffs listed in Exhibits B, C and D are entitled to pre-judgment interest on those awards at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages;

**ORDERED** that the *Bauer II* Plaintiffs may submit an application for punitive damages, or other damages (to the extent such awards have not previously been ordered), at a later date consistent with any future rulings made by this Court on this issue; and

**ORDERED** that the remaining *Bauer* Plaintiffs not appearing on Exhibits B, C or D, may submit in later stages applications for damages awards, and to the extent they are for solatium or by estates for compensatory damages for *Bauer* 9/11 Decedents' pain and suffering from the September 11, 2001 Terror Attacks, they will be approved consistent with those approved herein for other plaintiffs in this action.

This Order is not binding on the determination of damages for defendants other than Defendant the *Taliban*.

That pursuant to this Court's Order dated November 14, 2023 (ECF 9435), attached as Exhibit A is the Default Judgment Motion Cover Sheet;

The Clerk of the Court is hereby directed to terminate the motion docketed at MDL ECF No. 9843, 02-cv-6977 (S.D.N.Y.) ECF No. 2071, and 02-7236 (S.D.N.Y.) ECF No. 272.

Dated: New York, New York  
\_\_\_\_\_, 2024

**SO ORDERED:**

\_\_\_\_\_  
GEORGE B. DANIELS  
United States District Judge